

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44086 of 2016

Arising Out of PS.Case No. -241 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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1. Madan Ram S/o Shiv Shankar Ram Resident of Mohalla- Gautambudh
Nagar P.S.- Ara Nawada Dist- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi W/o Madan Ram at Present Resident of Mohalla-
Gautambudh Nagar P.S.- Ara Nawada Dist- Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Sri Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-10-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 384, 497, 504/34, 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The prosecution case is that the informant was married with the petitioner in the year 2003 and matrimonial relationship was peaceful, but from last five to six months prior to the lodging of the case the petitioner developed illicit relationship with the wife of his elder brother. Though, thereafter the demand of motorcycle and cash of rupees one lakh was made.

It is submitted by learned counsel for the petitioner that only on suspicion accusation has been levelled. The petitioner is still ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para- 7 of the petition which reads as follows:-

“That the petitioner is husband of the victim and he is ready to keep his wife.”

Similar was the stand of the petitioner before the learned court below, but the learned court below made no effort to get the issue mediated.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhojpur at Ara in connection with Mahila P.S. Case No. 241 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant on her appearance the petitioner will take the informant to keep her as wife with full dignity and

honour.

The provisional bail of the petitioner will be confirmed within six months by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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